



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,421	08/10/2001	Hawley K. Rising III	020699-002300US	6396

20350 7590 11/18/2004

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,421

Applicant(s)

RISING ET AL.

Examiner

Djenane M Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/6/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-11, 14-16 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,760,733 to Komine et al in view of U.S. Patent No. 6,751,798 to Schofield.

- a. As per claim 1, Komine et al a method for changing node instances in a content structure between a first system and a second system in a distributed computing environment, the method comprising: receiving a request for at least one node instance in the content structure, wherein the content structure is located on the first system (See col. 5, lines 35-46) (Operation request message issued by the client to the RM); However, Komine et al fails to teach sending at least one representative ID of the requested at least one node instance to the second system; selecting at least one ID in the at least one representative ID; sending the selected at least one ID in a command to change at least one node instance to the first system; and changing the at least one node instance in the content structure.

Schofield teaches a method and apparatus for performing distributed object calls using proxies and memory allocation. Furthermore, Schofield teaches wherein an object reference for the desired object must be obtained. Client applications usually receive the reference from configuration data, directories or invocations on other objects to which they have object references. Once the object reference has been obtained, the object call may be performed. In the method of the present invention, the object call is performed by first obtaining a "proxy handle" to the object reference. The proxy handle is a unique identifying data structure (a "proxy object") for a particular object reference. The proxy structure contains information about an object and calls to that object. Calls can be made to the specified object using the proxy handle. The proxy handle facilitates calls to the same object and prevents overhead that occurs in multiple calls to the same object. (See col. 7, lines 45-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate sending at least one representative ID of the requested at least one node instance to the second system; selecting at least one ID in the at least one representative ID; sending the selected at least one ID in a command to change at least one node instance to the first system; and changing the at least one node instance in the content structure as taught by Schofield in the claimed invention of Komine et al in order to improve performance by eliminating the need to configure an object call each time the same object is called (See col. 3, lines 47-52).

b. As per claims 11, 20 and 21, Komine et al teaches a system for changing node instances in distributed computing environment comprising: a content structure comprising at least one

Art Unit: 2141

node instance; a first system comprising logic to receive a request for at least one node instance in the content structure and send at least one ID representative of the requested at least one node instance (See col. 5, lines 35-46) (Operation request message issued by the client to the RM) (See col. 6, lines 42-67 and col. 7, lines 1-3) (On the basis of the received tree structure data, the object manager builds a containment tree. The tree manager enters a record of the object ID information. The containment tree is created in the object manager, in which individual RMs are represented as object nodes with registered object ID information). However, Komine et al teaches fails to teach wherein a second system comprising logic to select at least one ID and send a command to change the node selected at least one ID, wherein the first system comprises logic to change the corresponding at least one node instance in the content structure using the selected at least one ID.

Schofield teaches wherein an object reference for the desired object must be obtained. Client applications usually receive the reference from configuration data, directories or invocations on other objects to which they have object references. Once the object reference has been obtained, the object call may be performed. In the method of the present invention, the object call is performed by first obtaining a "proxy handle" to the object reference. The proxy handle is a unique identifying data structure (a "proxy object") for a particular object reference. The proxy structure contains information about an object and calls to that object. Calls can be made to the specified object using the proxy handle. The proxy handle facilitates calls to the same object and prevents overhead that occurs in multiple calls to the same object. (See col. 7, lines 45-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein a second system comprising logic to select at least one ID and send a command to change the node selected at least one ID, wherein the first system comprises logic to change the corresponding at least one node instance in the content structure using the selected at least one ID as taught by Schofield in the claimed invention of Komine et al in order to improve performance by eliminating the need to configure an object call each time the same object is called (See col. 3, lines 47-52).

b. As per claim 4, Komine et al in view of Schofield teaches the claimed invention as described above. Furthermore, Komine et al teaches wherein the content structure is a tree structure (See col. 5, lines 64-67).

c. As per claim 5, Komine et al in view of Schofield teaches the claimed invention as described above. However, Komine et al fails to teach wherein the step of sending at least one ID comprises sending IDs for the requested at least one node instance and IDs for node instances related to the requested at least one node instance.

Schofield teaches wherein the step of sending at least one ID comprises sending IDs for the requested at least one node instance and IDs for node instances related to the requested at least one node instance (See col. 7, lines 45-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the step of sending at least one ID comprises sending IDs for the requested at least one node instance and IDs for node instances related to the requested at

Art Unit: 2141

least one node instance as taught by Schofield in the claimed invention of Komine et al in order to improve performance by eliminating the need to configure an object call each time the same object is called (See col. 3, lines 47-52).

d. As per claim 6, Komine et al in view of Schofield teaches the claimed invention as described above. Furthermore, Komine et al teaches selecting, at the second system, at least one ID and sending a request for at least one node instance associated with the selected at least one ID to the first system; and sending at least one ID associated with the selected at least one ID to the second system (See col. 6, lines 19-41)

e. As per claim 8, Komine et al in view of Schofield teaches the claimed invention as described above. Furthermore, Komine et al teaches wherein changing the at least one node instance in the content structure comprises deleting the at least one node instance (See col. 7, lines 4-47).

f. As per claim 9, Komine et al in view of Schofield teaches the claimed invention as described above. Furthermore, Komine et al teaches wherein changing the at least one node instance in the content structure comprises editing the at least one node instance (See col. 7, lines 35-47).

g. As per claim 10, Komine et al in view of Schofield teaches the claimed invention as described above. Furthermore, Komine et al teaches wherein changing the at least one node

Art Unit: 2141

instance in the content structure comprises adding a node instance in relation to the at least one node instance (See col. 4- 47).

h. As per claim 14, Komine et al in view of Schofield teaches the claimed invention as described above. Furthermore, Komine et al teaches wherein at least one ID representative of the requested at least one node instance comprises at least one node instance and children of that node instance (See col. 7, lines 41-67).

i. As per claim 15, Komine et al in view of Schofield teaches the claimed invention as described above. Furthermore, Komine et al teaches wherein the second system comprises logic to select at least one ID and send the selected at least one ID to the first system, wherein the first system comprises logic to send at least one ID associated with the selected ID to the second server (See col. 7, lines 1-3).

j. As per claim 7 and 16, Komine et al in view of Schofield teaches the claimed invention as described above. Furthermore, Komine et al teaches the step of creating a proxy structure on the second system using the at least one ID (See col. 6, lines 42-49).

3. Claims 2 , 12, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over 6,760,733 to Komine et al in view of U.S. Patent No. 6,751,798 to Schofield as applied to claims 1 and 11 above, and further in view of U.S. Patent No. 6,801,575 to Crinon.

Art Unit: 2141

a. As per claims 2 and 12, Kominé et al in view of Schofield teaches the claimed invention as described above. However, Kominé et al in view of Schofield fails to teach wherein content description comprises an MPEG description.

Crinon teaches an audio/video system with auxiliary data. Furthermore, Crinon teaches wherein content description comprises an MPEG description (See col. 5, lines 15-34).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein content description comprises an MPEG description as taught by Crinon in the claimed invention of Kominé et al in view of Schofield in order for the DMIF session to distinguish request from each application (See col. 3, lines 13-15).

b. As per claim 17, Kominé et al teaches a system for changing node instances in distributed computing environment comprising: a content structure comprising at least one node instance; a first system comprising logic to receive a request for at least one node instance in the content structure and send at least one ID representative of the requested at least one node instance (See col. 5, lines 35-46) (Operation request message issued by the client to the RM) (See col. 6, lines 42-67 and col. 7, lines 1-3) (On the basis of the received tree structure data, the object manager builds a containment tree. The tree manager enters a record of the object ID information. The containment tree is created in the object manager, in which individual RMs are represented as object nodes with registered object ID information). However, Kominé et al teaches fails to teach wherein a second system comprising logic to select at least one ID and send a command to change the node selected at least one ID, wherein the first system comprises logic to change the

Art Unit: 2141

corresponding at least one node instance in the content structure using the selected at least one ID.

Schofield teaches wherein an object reference for the desired object must be obtained. Client applications usually receive the reference from configuration data, directories or invocations on other objects to which they have object references. Once the object reference has been obtained, the object call may be performed. In the method of the present invention, the object call is performed by first obtaining a "proxy handle" to the object reference. The proxy handle is a unique identifying data structure (a "proxy object") for a particular object reference. The proxy structure contains information about an object and calls to that object. Calls can be made to the specified object using the proxy handle. The proxy handle facilitates calls to the same object and prevents overhead that occurs in multiple calls to the same object. (See col. 7, lines 45-67). However, Komine et al in view of Schofield fails to teach changing node instances of an MPEG description in a content description.

Crinon teaches an elementary stream descriptor, similar to that shown in FIG. 2 but in which one or more decoder type (or equivalently, stream type) structures announce the presence of one or several auxiliary data streams encoded according to the format specified by decoder type. The elementary stream descriptor(s) including such decoder type (or stream type) structure may be included in an object descriptor featuring elementary stream descriptor featuring other values of decoder type (or stream type) like MPEG-4 visual streams. In this case the auxiliary data (See col. 5, lines 15-35).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Komine et al, Schofield and Crinon in order to improve

Art Unit: 2141

performance by eliminating the need to configure an object call each time the same object is called (See col. 3, lines 47-52, Schofield) and for the DMIF session to distinguish request from each application (See col. 3, lines 13-15, Crinon).

c. As per claim 18, Komine et al in view of Schofield and further in view of Crinon teaches the claimed invention as described above. However, Komine et al in view of Schofield fails to teach wherein the MPEG description comprises a Descriptor.

Crinon teaches wherein the MPEG description comprises a Descriptor (See col. 5, lines 15-35).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the MPEG description comprises a Descriptor as taught by Crinon in the claimed invention of Komine et al in view of Schofield in order for the DMIF session to distinguish request from each application (See col. 3, lines 13-15, Crinon).

d. As per claim 19, Komine et al in view of Schofield and further in view of Crinon teaches the claimed invention as described above. However, Komine et al in view of Schofield fails to teach wherein the MPEG description comprises a Description Scheme.

Crinon teaches wherein the MPEG description comprises a Description Scheme (See col. 5, lines 15-35).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the MPEG description comprises a Description Scheme as taught by Crinon in the claimed invention of Komine et al in view of Schofield in order for the

Art Unit: 2141

DMIF session to distinguish request from each application (See col. 3, lines 13-15, Crinon).

4. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over 6,760,733 to Komine et al in view of U.S. Patent No. 6,751,798 to Schofield as applied to claim 1 above, and further in view of U.S. Patent Application No. 2002/0099723 to Garcia-Chiesa.

3. As per claims 3 and 13, Komine et al in view of Schofield teaches the claimed invention as described above. However, Komine et al in view of Schofield fails to teach wherein the ID is a universal ID.

Garcia-Chiesa teaches a network delivery of interactive entertainment complementing audio recordings. Furthermore, Roberts et al teaches wherein the ID is a universal ID (See page 2, paragraph [0017]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the ID is a universal ID as taught by Garcia-Chiesa in the claimed invention of Komine et al in view of Schofield in order to identify each document uniquely (See page 2, paragraph [0017]).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2141

U.S. Patent Application No. 2003/0202509 to Miyano et al teaches an information processing apparatus and method, and distribution medium.

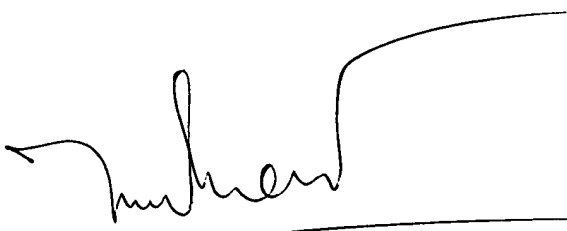
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written over a horizontal line. The signature is stylized with a large initial 'L' and a long horizontal stroke extending to the right.

LE HIEN LUU
PRIMARY EXAMINER